IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

FRIDAY, THE 10TH NOVEMBER 2006 / 19TH KARTHIKA 1928

WP(C).No. 18435 of 2006(T)

PETITIONER:

N.RAMAKRISHNAN, AGED 55 YEARS,
S/O.PANICKER, MEMBERSHIP NO.19, PORANNOOR MILK PRODUCERS CO-OPERATIVE SOCIETY LTD.NO.T 179 (D) APCOS, PLAMOOTTUKADA, CHENGAL, TRIVANDRUM.

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENTS:

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1. THE DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT, PATTAM, TRIVANDRUM.

2. THE PORANNUR MILK PRODUCERS CO-OPERATIVE SOCIETY LTD.NO.T 179(D) APCOS, PLAMMOTTUKADA P.O., TRIVANDRUM DISTRICT BY ITS SECRETARY.

BY ADV. SRI.S.MOHAMMED AL RAFI FOR R2
G.P.SRI.P.N.SANTHOSH FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

P1: True copy of the resignation dated 30-6-2006 to the 1st respondent.

P2: True copy of the election notification dated 29-6-2006 of the 1st respondent.

P3: True copy of the representation dated 7-7-2006 to the 1st respondent.

RESPONDENTS' EXHIBITS:-

R2(a): True copy of the decision taken by the 2nd respondent society dated 30-5-2006.

R2(b): True copy of the order No.1756/2006 dated 9-6-2006 issued by the Deputy Director, Dairy Development Department, Thiruvananthapuram.

K. Thankappan, J.

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W.P.(C). No. 18435 of 2006

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Dated this the 10th day of November, 2006

JUDGMENT

Petitioner has approached this Court for a direction to the respondents to conduct fresh election to the Board of Directors of the 2nd respondent bank after dissolving the present Board of Directors contending that the managing committee of the respondent society lost its quarum. To substantiate the above contention, the petitioner submits that the strength of the Board of Directors is 9, out of which, 4 members were disqualified and 1 member resigned. Thus, at present the strength of the Board of Directors is only four.

2. The learned counsel for the petitioner submits that as per Ext.P1 resignation letter forwarded to the President of the society, the present Board of Directors cannot continue. Learned counsel for the respondent society submits that the 5th person is a member of the society and she has not submitted any resignation letter to the President or the society. On a perusal of Ext.P1 would show that it was sent under certificate of posting.

3. In the facts and circumstances, this Court is of the view that it is only proper for the 1st respondent to inquire the matter and take appropriate steps under the provisions of the Kerala Co-operative Societies Act, 1969

and the Kerala Co-operative Societies Rules, 1969. Hence, the writ petition is disposed of directing the 1st respondent to conduct an inquiry in to the matter and take appropriate steps under the provisions of the Act and the Rules as early as possible, at any rate within 15 days from the date of receipt of copy of this Judgment. The petitioner shall produce a copy of this judgment to the 1st respondent.

K.Thankappan,
Judge.

mn.

K. Thankappan,J.

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W.P.(C) No. /2006

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Judgment

10-11-2006